

# PURCHASING UPDATE



division of  
**Purchasing and  
General Services**

## Sole Source Sandwiches

*Jennifer Knowles, State Purchasing Agent*

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When there’s only one...

How do you know if your purchase is a sole source? Afterall, isn’t there only one sandwich that has 2-all beef patties, special sauce, lettuce, cheese, pickles, onions on a sesame seed bun?

The term “sole source procurement” is defined in the code. In 63G-6a-103 (80) “Sole source procurement” means a procurement **without competition** pursuant to a determination under Subsection 63G-6a-801(1)(a) that there is **only one source** for the procurement item.”

That sounds straight forward, “**only one source**” but questions about what qualifies as a sole source is a common question we receive in purchasing and a sole source is ironically a commonly used procurement process. For many it seems like the preferred method because it’s most like how we purchase things in our own lives. We want to buy something, we look at the store or online, and we make the purchase, easy-peasy.

But It’s important to remember that we are spending public money and we need to take into consideration the intent of the Procurement Code. Part 1 lists the purpose of Procurement Code as:

- to “ensure transparency”
- to be “fair and equitable”
- to “provide economy in state procurement activities”
- and “to foster effective broad-based **competition.**”

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# JUST THE FAQs

## Industrial Equipment and Supplies (MRO) FAQ

By: Ann Schliep, State Procurement Manager

### 1. What contracts are included in the Industrial Equipment and Supplies (MRO) group?

MA042 – Grainger  
 MA043 – Fastenal  
 MA2878 - Supply Chimp  
 MA2881 – Hilti  
 MA2882 - Noble  
 MA3026 – Conserve-A-Watt  
 MA3030 – Industrial Supply Company  
 MA323 – MSC Industrial Supply Company  
 PA3413 – HD Supply Facilities Maintenance, LTD  
 MA3950 – Mountainland Supply, LLC  
 MA3949 – Peterson Plumbing  
 PD3151 – Applied Industrial Technologies

### 2. Do the above contractors have all the same items?

Not all the contractors above were awarded the same categories, nor did they offer the same discounts.

### 3. Can I order anything I want?

It depends (lawyer talk). End-users must refer to the ordering instructions on each of the contracts. Some of the contractors have this language because they offered their whole catalog when submitting their proposal to the RFP:

*In addition to the items in the attached category list, other items may be available in the online catalog. It is the responsibility of the State Executive Agencies to determine if the items not included on the mandatory category list are found on other mandatory State of Utah "Best Value" Cooperative Contracts. If the items needed are not already under contract on another State of Utah "Best Value" Cooperative Contract, then a State Executive Branch Agency is allowed to order from the online catalog for convenience, pursuant to the solicitation documents; however, a State Executive Branch Agency may procure the item through a standard procurement process. Discounts on items not included on the category list vary.*

If we refer back to the definition of a sole source it contains the phrase “a procurement *without competition*.” This can help us determine if our purchase is a true sole source.

Often times we overlook competition because we don’t believe there can be an item that is equal. For example, you need to hire a keynote speaker for a conference. You want to hire a specific speaker who has written a book sharing her unique knowledge on leadership principles. It’s true, that she is the only one who has written that specific book and her principles look different than any other speakers. However, she is not the only person who can achieve the goal of teaching leadership principles at your conference so it’s not a true sole source. Though she is unique, in truth, she does have competition just like the Big Mac has the Whopper or any number of others. Each time we want to do a sole source we have to ask ourselves, “is there competition” and be conscious of overlooking competition that may be out there. It may not be exact but it is essentially the same thing.

If we abide by the intent of the code and open up the solicitation to competition we may actually find a vendor that is better suited to our needs. And, by opening up the procurement to competition we are being more transparent with public dollars, more fair and equitable, providing economy, and fostering competition. Win!

# One Source



## Propane Fuel and Tanks

*Cherilyn Hess, Assistant Director*

The Statewide Cooperative Contracts for Propane Fuel and Tanks with Ferrellgas and Amerigas Propane expired on December 21, 2022. The Division of Purchasing issued a Request for Proposals on September 1, 2022, and was awarded to both incumbent vendors on December 6, 2022.

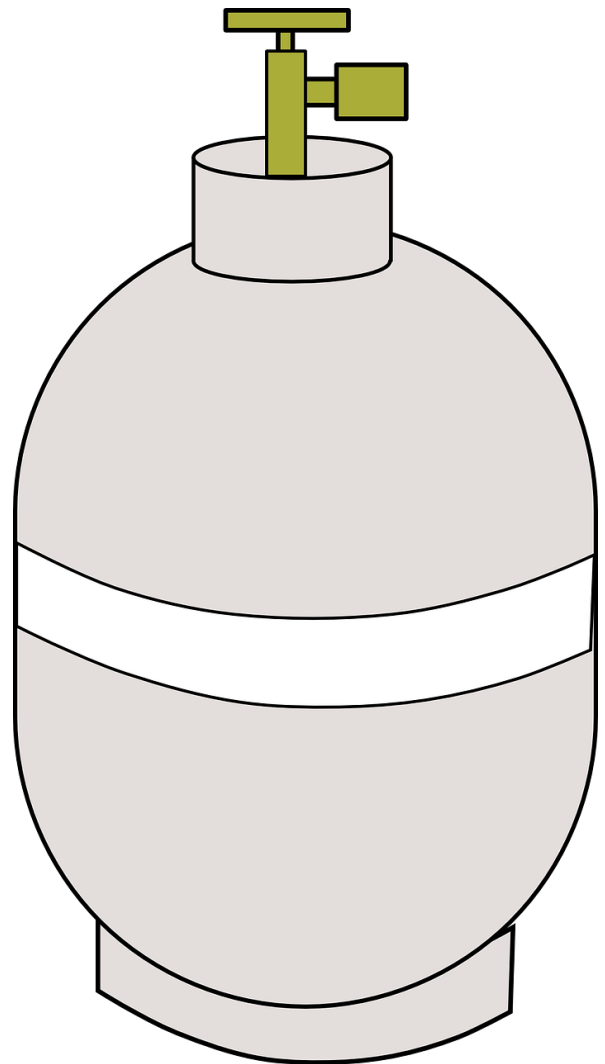
Ferrellgas has determined not to enter into a contract with the Division of Purchasing, and their services are no longer available on contract. If you have a Ferrellgas tank and service, you will need to go through a procurement process to obtain these services for your location. Ferrell Gas has stated that continued services will be at current pricing of \$3.049/gallon and may include a trip charge. That pricing will fluctuate as there is no set contract pricing agreement. They have stated they will work on the transition to keep their tanks filled until they are swapped out. Please keep in mind, continued services through Ferrellgas are *not* under a Statewide Cooperative Contract and may be out of compliance per your agency's procurement policies.

We are working in good faith with Amerigas Propane on a new contract to meet eligible user needs but do not have a confirmed timeline yet. Amerigas Propane has advised that should the contract be executed, they will not be able to service all customers that previously had Ferrellgas. Amerigas Propane is not obligated to provide service to the entire State of Utah and all eligible users. They will try to meet the needs of our eligible users to the best of their ability.

For eligible users, if Amerigas Propane cannot provide service to a location, that eligible user would proceed to procure propane tanks and fuel off-contract. We advise at this time, if you have a Ferrellgas tank, to conduct a standard procurement process to get a vendor on contract to provide a tank and propane. Once an agreement is in

place the user may set Ferrellgas's tank(s) to the side and notify Ferrellgas to retrieve their tank(s).

The Division of Purchasing is dedicated to working with all our eligible users to find a solution for your propane tank and service needs. Please let us know if you have questions or concerns, and we will assist you through this transition.





## Publicizing Awards for Request for Proposals

Purchasing Staff

An important part of the Request for Proposals process is the award justification statement. The Procurement Code 63G-6a-707 (10) states that at the conclusion of the evaluation process, an evaluation committee shall prepare and submit to the procurement unit a written statement that recommends a proposal for an award of a contract, if the evaluation committee decides to recommend a proposal, contains the score awarded to the recommended proposals based on the criteria stated in the request for proposals; and, explains how the recommended proposal provides the best value to the procurement unit.

When you're working on your award justification statement, don't forget these important pieces of rule: R33-7-802. Publicizing Awards.

Section (1) The following shall be disclosed after receipt of a GRAMA request and payment of any lawfully enacted and applicable fees:

*(e): the final scores used by the evaluation committee to make the selection, except the names of the individual scorers shall not be associated with their individual scores or rankings.*

So when you post your justification statement an include scores make sure to change each evaluator's names to "Evaluator 1", "Evaluator 2" or something

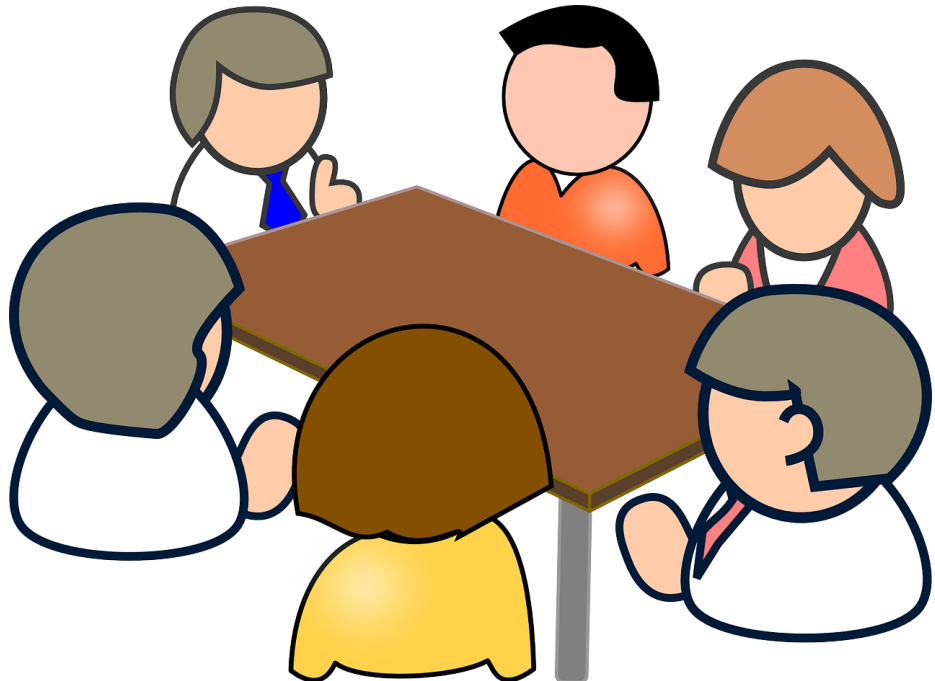
similar.

Also keep the following in mind for just your justification statement and a possible GRAMA request. Additional information that will not be disclosed by the governmental entity at any time to the public including under any GRAMA request:

(b) any individual scorer's or evaluator's notes, drafts, and working documents;

(c) non-public financial statements; and

(d) past performance and reference information, which is not provided by the Offeror and which is obtained as a result of the efforts of the governmental entity. To the extent such past performance or reference information is included in the written justification statement; it is subject to public disclosure.



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**QUESTIONS? CONTACT US AT 801-522-7931**  
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## Spotlight Article



**Ashley Tracy**

The Ashley T84, previously seen at the Walt Disney World Company, Granite School District, and the University of Utah, is new to the Division of Purchasing. The model is built for off road adventuring and in city exploring. The Ashley T84 has been synced with the Troy Bot (sold separately) for ten years and is also compatible with many other species, but does best with canines. Chickens are also acceptable, and the model has learned to live with felines. Maintenance is minimal but does require daily

fresh fruit. The model does need a solid 9 hours of rest to recharge and could benefit from a maintenance nap when allowed. You may notice an increase in complaints during cold weather.

Originating in Idaho, the Ashley T84 is currently based in North Ogden, Utah.

### Q And A

**Question: What is the best vacation you have been on?**

**Answer:** I've been fortunate to have gone on several fantastic vacations - I couldn't choose just one. The worst vacation I've ever been on included driving 6 hours at night in a blizzard, getting to the destination late because of said blizzard and sleeping in and missing the race the next morning (whole point of the trip), and getting side swiped in a Mesquite roundabout by an uninsured driver.

**Question: What is your biggest fear?**

**Answer:** Dinosaurs. Also, large amounts of concrete make me very uncomfortable.

**Question: If you could have dinner with one famous person who would it be?**

**Answer:** Jim Henson or Carrie Fisher.

## PROCUREMENT TRAINING

### BROWN BAG LEARNING SERIES (BBLs)

**DATE:** February 16, 2023

**TIME:** 12— 1PM

**TOPICS:** TBA

**PLACE:** Webinar

### OTHER TRAINING OPPORTUNITIES

**UT-NIGP:** 03/02/2023

**Sustainable Purchasing Summit:** 03/16/2023

**BBLs:** 04/20/2023

**UT-NIGP:** 05/18/2023

**PEP Seminar:** 06/15/2023

### How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please send an email to Jessika Huhnke, [jessikahuhnke@utah.gov](mailto:jessikahuhnke@utah.gov)

Utah Division of Purchasing & General Services  
4315 S. 2700 W. FL. 3  
Taylorsville, Utah 84129  
801-957-7160  
[Purchasing.utah.gov](http://Purchasing.utah.gov)  
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